



The Honorable \_\_\_\_\_

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GEORGE A. TILLET, and GRACE L.  
TILLET, his wife.

Plaintiffs,

v.

CITY OF BREMERTON, ROY L.  
ALLOWAY, Police Officer and his wife,  
"JANE DOE" ALLOWAY, and the marital  
community thereof, JEFF INKLEBARGER,  
Police Officer and his wife, "JANE DOE"  
INKLEBARGER, and the marital community  
thereof, FLOYD E. MAY, Police Officer and  
his wife, "JANE DOE" MAY, and the marital  
community thereof, RANDY D. PLUMB,  
Police Officer, and his wife "JANE DOE"  
PLUMB, and the marital community thereof,  
STEVEN M. POLANSKY, Police Officer,  
and his wife, "JANE DOE" POLANSKY, and  
the marital community thereof, HAROLD  
WATLEY, Police Officer, and his wife  
"JANE DOE" WATLEY, and the marital  
community thereof, KEITH A. SARGENT,  
Police Officer, and his wife, "JANE DOE"  
SARGENT, and the marital community  
thereof,

Defendants.

Case No.:

**C09 5621** KLS

The Honorable \_\_\_\_\_

United States Magistrate Judge

COMPLAINT

COMES NOW, the above named Plaintiffs, by and through their attorney, GARY A.

**Preble Law Firm, P.S.**

Attorneys at Law  
State & Sawyer Building, Suite 101  
2120 State Avenue N.E.

Olympia, Washington 98506  
(360) 943-6960 FAX: (360) 943-2603

47-6335

ISSUED IN BLANK

1 PREBLE, of Preble Law Firm, P.S., for causes of action for personal injuries against the  
2 Defendants, and complain and allege as follows:

3  
4 **I. PLAINTIFFS**

5 1.1 Plaintiff George A. Tillet, born November 23, 1926, is a United States Citizen and at all  
6 times material hereto was a resident of Kitsap County, Washington. Except as otherwise  
7 specified, the use of the singular word "Plaintiff" herein shall refer to George A. Tillet.

8 1.2 Plaintiff Grace L. Tillett is the wife of George A. Tillett, born March 31, 1928, and is a  
9 United States Citizen, and at all times material hereto was a resident of Kitsap County, Washing-  
10 ton.

11  
12 **II. DEFENDANTS**

13 2.1 Defendant City of Bremerton is an incorporated city, and has by law consented to be sued.  
14 The Bremerton Police Department and defendant police officers and supervisors are an agency of  
15 the City of Bremerton and are therefore the City's agents. The agents of the City of Bremerton  
16 were acting in concert and each of the acts complained of were done for and on behalf of the City  
17 of Bremerton.

18 2.2 Defendant Roy L. Alloway, residence unknown, was employed by the City of Bremerton,  
19 Bremerton Police Department. Plaintiffs do not know if Defendant Alloway is married, and if  
20 married, does not know his wife's name, but alleges that if he is married, this constitutes a  
21 marital community under the laws of the State of Washington. Each of the acts complained of  
22 were done for and on behalf of the community as well as for and on behalf of the individuals. At  
23 all some or at all times material to this action, Defendant Alloway was providing services to and  
24 on behalf of the City of Bremerton.  
25

26 2.3 Defendant Jeff Inklebarger, residence unknown, was employed by the City of Bremerton,

1 Bremerton Police Department. Plaintiffs do not know if Defendant Inklebarger is married, and if  
2 married, does not know his wife's name, but alleges that if he is married, this constitutes a  
3 marital community under the laws of the State of Washington. Each of the acts complained of  
4 were done for and on behalf of the community as well as for and on behalf of the individuals. At  
5 all some or at all times material to this action, Defendant Inklebarger was providing services to  
6 and on behalf of the City of Bremerton.

8 2.4 Defendant Floyd E. May, residence unknown, was employed by the City of Bremerton,  
9 Bremerton Police Department. Plaintiffs do not know if Defendant May is married, and if  
10 married, does not know his wife's name, but alleges that if he is married, this constitutes a  
11 marital community under the laws of the State of Washington. Each of the acts complained of  
12 were done for and on behalf of the community as well as for and on behalf of the individuals. At  
13 all some or at all times material to this action, Defendant May was providing services to and on  
14 behalf of the City of Bremerton.

16 2.5 Defendant Randy D. Plumb, residence unknown, was employed by the City of Bremerton,  
17 Bremerton Police Department. Plaintiffs do not know if Defendant Plumb is married, and if  
18 married, does not know his wife's name, but alleges that if he is married, this constitutes a  
19 marital community under the laws of the State of Washington. Each of the acts complained of  
20 were done for and on behalf of the community as well as for and on behalf of the individuals. At  
21 all some or at all times material to this action, Defendant Plumb was providing services to and on  
22 behalf of the City of Bremerton.

24 2.6 Defendant Steven M. Polansky, residence unknown, was employed by the City of  
25 Bremerton, Bremerton Police Department. Plaintiffs do not know if Defendant Polansky is  
26 married, and if married, does not know his wife's name, but alleges that if he is married, this

1 constitutes a marital community under the laws of the State of Washington. Each of the acts  
2 complained of were done for and on behalf of the community as well as for and on behalf of the  
3 individuals. At all some or at all times material to this action, Defendant Polansky was providing  
4 services to and on behalf of the City of Bremerton.  
5

6 2.7 Defendant Harold Watley, residence unknown, was employed by the City of Bremerton,  
7 Bremerton Police Department. Plaintiffs do not know if Defendant Watley is married, and if  
8 married, does not know his wife's name, but alleges that if he is married, this constitutes a  
9 marital community under the laws of the State of Washington. Each of the acts complained of  
10 were done for and on behalf of the community as well as for and on behalf of the individuals. At  
11 all some or at all times material to this action, Defendant Watley was providing services to and  
12 on behalf of the City of Bremerton.  
13

14 2.8 Defendant Keith A. Sargent, residence unknown, was employed by the City of Bremerton,  
15 Bremerton Police Department. Plaintiffs do not know if Defendant Sargent is married, and if  
16 married, does not know his wife's name, but alleges that if he is married, this constitutes a  
17 marital community under the laws of the State of Washington. Each of the acts complained of  
18 were done for and on behalf of the community as well as for and on behalf of the individuals. At  
19 all some or at all times material to this action, Defendant Sargent was providing services to and  
20 on behalf of the City of Bremerton.  
21

### 22 III. FILING OF CLAIMS

23 3.1 A Tort Claim Form was filed with the City of Bremerton, Office of the City Clerk, on  
24 April 9, 2009. A copy of the claim form is attached to this complaint.  
25

### 26 IV. FACTUAL BACKGROUND

4.1 On September 10, 2008, at approximately 2:00 p.m., while serving a search warrant on a

1 private residence located at 1718 Sheridan Road, Bremerton, Washington, one of more of the  
2 Defendant Police Officers illegally battered, brutalized and otherwise caused severe pain and  
3 suffering to the then 81-year-old Plaintiff, George A. Tillett.

4 4.2 The Plaintiff independently occupied a separate portion of the same property where the  
5 search warrant was to be served. Upon hearing voices outside the Plaintiff's door, he opened the  
6 door wherein several Defendant Bremerton Police Officers jumped upon his person, threw him to  
7 the floor, handcuffed him and dragged him outside to the front of the property.

8 4.3 The Plaintiff was then shoved against a vehicle parked on the front of the property. When  
9 Plaintiff complained of chest pains, and the inability to catch his breath, he was then allowed to  
10 sit in a nearby chair. Still complaining of his inability to catch his breath, an ambulance was  
11 called to the scene. With his wrist bleeding from the handcuffs, the handcuffs were removed and  
12 band-aids were applied to stop the bleeding. The Plaintiff refused transportation to the hospital.  
13 After a considerable amount of time, Plaintiff was released by the Bremerton Police Officers and  
14 was free to leave. At this time he drove himself to Harrison Medical Center in Bremerton,  
15 Washington and presented himself to the emergency department.

16 4.4 After an examination and x-rays were taken at the hospital of the Plaintiff, he was found to  
17 have suffered three fractured ribs with a post traumatic hematoma, chest wall tenderness,  
18 bleeding, bruising, multiple skin tears on his right wrist and a very badly bruised and swollen  
19 right hand. He also suffered a black right eye and his eye glasses were broken. These injuries  
20 were the direct cause of the violence inflicted by the Bremerton Police Officers.

## 21 **V. FIRST CLAIM FOR RELIEF - NEGLIGENT INVESTIGATION**

22 5.1 Plaintiffs incorporate herein and make a part hereof Paragraphs 1-4 as though fully set  
23 forth herein.

1 5.2 The City of Bremerton and the City of Bremerton's employees had a duty to investigate  
2 upon receipt of a report of drug or any other unlawful activity, who the occupants of the residence  
3 were and in what capacity the Plaintiff maintained daily activity at said address, considering he  
4 did not reside at the location of 1718 Sheridan Road, Bremerton, Washington and maintained  
5 hours at the said address of 9:00 a.m to 4:30 p.m., on a daily basis.

6  
7 5.3 As a direct and proximate result of Defendant Police Officers' negligent investigation, and  
8 failure to act accordingly, Plaintiff suffered emotional distress, injury to his person and damages  
9 which will be fully set forth at time of trial.

10 **VI. SECOND CLAIM FOR RELIEF**  
11 **NEGLIGENT SUPERVISION**

12 6.1 Plaintiffs incorporate herein and make a part hereof Paragraphs 1-5 as though fully set  
13 forth herein.

14 6.2 In entering, handcuffing, and immobilizing the Plaintiff without invitation, consent or legal  
15 authority, Defendant Police Officers acted outside the scope of their employment. Such actions  
16 presented a risk of harm to the Plaintiff.

17  
18 6.3 Defendant City of Bremerton, knew, or in the exercise of reasonable care should have  
19 known, that Defendant Police Officers posed such a risk.

20 6.4 Defendant City of Bremerton's failure to adequately supervise Defendant Police Officers  
21 was a proximate cause of Plaintiff's injuries.

22 6.5 That as a result of the aforesaid, Plaintiff has incurred special and general damages in such  
23 sum as will be proven at trial and as will justly and reasonable compensate him therefore.  
24  
25  
26

**VII. THIRD CLAIM FOR RELIEF**  
**42 USC § 1983**

7.1 Plaintiffs incorporate herein and make a part hereof Paragraphs 1-6 as though fully set forth herein.

7.2 Plaintiff has a constitutional and statutory right to life, liberty and the pursuit of happiness, as well as health, welfare and safety.

7.3 Plaintiff bring claims against the named Defendants in their individual capacity for their actions under color of statute, ordinance and regulation, which deprived Plaintiff of his civil rights pursuant to 42 USC § 1983, by their conduct, actions, and their failure to perform their duties of investigating.

7.4 Plaintiff was permanently injured physically, emotionally, and suffered loss of enjoyment of life, due to Defendants' actions under color of statute, ordinance or regulation in depriving Plaintiff of his civil rights.

7.5 Defendant Officers did violate the Plaintiff's Fourth Amendment Civil Rights against unreasonable searches and seizures and did enter and detain the Plaintiff all without proper warrant or other legal authority or consent.

7.6 That as a result of the aforesaid, Plaintiff has incurred special and general damages in such sum as will be proven at trial and as will justly and reasonable compensate him therefore.

7.7 Plaintiffs are entitled to attorney fees and other statutory remedies for violation of his civil rights.



**VIII. FOURTH CLAIM FOR RELIEF  
FAILURE TO USE REASONABLE CARE**

8.1 Plaintiffs incorporate herein and make a part hereof Paragraphs 1-7 as though fully set forth herein.

8.2 Defendant Bremerton Police Officers and supervisors had a duty to know, or reasonably should have known, of the risks related to the take-down, handcuffing, and dragging of the Plaintiff, who at the time was 81-years-old. Defendants had a duty to exercise that degree of skill, care, and knowledge normally possessed by members of their profession with respect to the age of the Plaintiff.

8.3 Defendant Police Officers failed to exercise that degree of skill and care expected of reasonably prudent police officers and supervisory personnel.

8.4 Defendant Police Officers and the Bremerton Police Department took no legal action against the Plaintiff and at no time did they mirandize him or place him under arrest and therefore had no cause to handcuff him, or brutalize his person.

**IX. FIFTH CLAIM FOR RELIEF  
42 USC § 1985**

9.1 Plaintiffs incorporate herein and make a part hereof Paragraphs 1-8 as though fully set forth herein.

9.2 Plaintiff brings claims against the Defendants Officer Roy L. Alloway, Officer Jeff Inklebarger, Officer Floyd E. May, Officer Randy D. Plumb, Officer Steven M. Polansky, Officer Harold Watley, and Officer Keith A. Sargent, herein in their individual capacity for their conspiracy for the purpose of depriving, either directly or indirectly, the Plaintiff's equal protection of the laws, and of equal privileges and immunities under the law pursuant to 42 USC § 1985(3).



1 9.3 Because of the aforementioned Defendants ongoing conspiracy and obstruction, the  
2 Plaintiff sustained the loss of natural enjoyment of life, and was subjected to ongoing humilia-  
3 tion, psychological injuries, pain and suffering.

4  
5 **X. SIXTH CLAIM FOR RELIEF**  
6 **OUTRAGE**

7 10.1 Plaintiffs incorporate herein and make a part hereof Paragraphs 1-9 though fully set forth  
8 herein.

9 10.2 Defendants' failure to adequately investigate the premises located at 1718 Sheridan Road,  
10 Bremerton, Washington, handcuff, batter and brutalize the Plaintiff, an 81-year-old man at the  
11 time, constituted outrage.

12 10.3 Defendant's actions were done with the full knowledge they knew or should have known  
13 the Plaintiff's activities were separate and unrelated to the home, resulting in the subsequent  
14 attack on the elderly Plaintiff, which was totally unreasonable and forceful.

15 10.3 Defendants refused to listen to the Plaintiff when he tried to explain who he was and what  
16 his business was at the address mentioned above, resulting in his being thrown to the floor and  
17 handcuffed by the Defendants.

18 10.4 Defendants actions were taken with reckless disregard of the danger to the Plaintiff,  
19 resulting in the harm done to the Plaintiff and their deliberate indifference to the suffering of the  
20 Plaintiff, of whom they were sworn to protect and serve.

21 10.5 As a direct and proximate result of the Defendants willful and wanton misconduct and  
22 reckless disregard of the rights and feelings of the Plaintiff, both Plaintiffs are entitled to recover  
23 punitive damages pursuant to 42 USC § 1983 and 1985.  
24  
25  
26

**XI. SEVENTH CLAIM OF RELIEF  
LOSS OF CONSORTIUM**

11.1 Plaintiff Grace L. Tillett incorporates herein and make a part hereof Paragraphs 1–10 as set forth herein.

11.2 That as a result of the above, Plaintiff Grace L. Tillett has sustained and continues to sustain damages in that she has lost and continues to lose the services and consortium of her husband, George A. Tillett, the other Plaintiff herein, to Plaintiff Grace L. Tillett, damage in such sum of money as will reasonably compensate her for such loss, past, present and future.

**XII. CONCLUSION**

WHEREFORE, Plaintiffs pray that judgment be entered against each of the defendants herein in an amount which will fairly and adequately compensate Plaintiffs as follows:

12.1 Awarding Plaintiff special damages for his past, present and future medical treatment and expenses in amounts to be established at the time of trial.

12.2 Awarding Plaintiff general damages for their pain, suffering, emotional distress, humiliation, loss of liberty and loss of enjoyment of natural life in amounts to be established at the time of trial.

12.3 Awarding Plaintiff Grace L. Tillett for her loss of consortium she has sustained and continues to sustain and the loss of services of her husband, George A. Tillett, Plaintiff, for damages in such sum of money as will reasonably compensate her for such loss, past, present and future.

12.4 Awarding Plaintiff monetary damages both special and general, costs and attorney fees incurred in this action and any other available remedies for their claims pursuant to 42 USC § 1983 and 1985, incurred in this action.

1 12.5 Awarding Plaintiffs punitive damages against the Defendants herein for the claims  
2 pursuant to 42 USC § 1983 and 1985, in an effort to deter the Defendants from committing  
3 similar negligent acts in the future.

4 12.6 Awarding Plaintiffs interest as permitted by law, costs of this suit, expert witness fees, and  
5 for whatever and further relief as to this Court may deem just and proper.  
6

7 DATED this 29 day of September, 2009.

8 PREBLE LAW FIRM, P.S.

9  
10  
11   
12 GARY A. PREBLE, WSB# 14758  
13 Of Attorneys for Plaintiffs  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26